

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

WOODROW DUNN, JR.,

Petitioner,

v.

Civ No. 19-499 MV/GJF

FNU LNU,

Respondent.

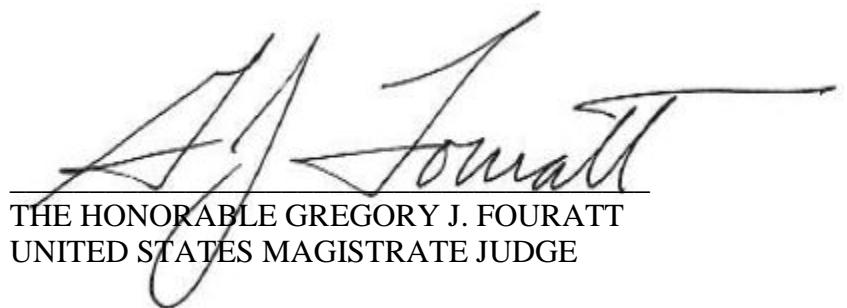
ORDER REGARDING RECHARACTERIZATION OF LETTER

This matter is before the Court on Woodrow Dunn Jr.'s *pro se* letter dated May 22, 2019 [ECF 1]. Dunn appears to argue he was wrongfully convicted of murder in New Mexico state court. The proper vehicle for challenging a state court conviction is a habeas corpus proceeding under 28 U.S.C. § 2254. *See Montez v. McKenna*, 208 F.3d 862, 865 (10th Cir. 2000). Accordingly, the Court intends to recharacterize Dunn's letter as a § 2254 habeas petition. “[R]echaracterization means that any subsequent [§ 2254 petitions] will be subject to the restrictions on ‘second or successive’” habeas claims. *Castro v. United States*, 540 U.S. 375, 376 (2003). The Court will also require Dunn to: (1) file an amended petition on the proper form, which includes all grounds for relief under § 2254; and (2) either prepay the § 5.00 filing fee or, alternatively, file a motion to proceed *in forma pauperis*. If Dunn does not wish to pursue habeas relief, he may simply decline to respond to this Order. The failure to timely comply will result in dismissal of this civil action without prejudice.

IT IS THEREFORE ORDERED that within thirty (30) days of entry of this Order, Dunn shall: (1) file an amended petition on the proper form, which includes all grounds for relief under § 2254; and (2) either prepay the § 5.00 filing fee or, alternatively, file a motion to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that the Clerk's Office shall mail Dunn the form § 2254 Petition and the form Motion to Proceed *In Forma Pauperis*.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE